



## Makkot 6a

*The William Davidson Talmud (Koren - Steinsaltz)*

AN

- רַבִּי עֲקִיבָא אוֹמֵר לֹא בָּא שְׁלִישֵׁי כּוּוֹ. וּמָה שְׁנַיִם כּוּוֹ. אָמַר לִיהִ רַב פָּפָא לְאַבֵּי: אֵלָּא מֵעַתָּה, הָרוּג יֵצֵיל! כְּשֶׁהָרְגוּ מֵאַחֲרָיו. <sup>5</sup>

§ The mishna teaches that **Rabbi Akiva says: The third** witness mentioned in this verse **does not come** for the judges to be lenient concerning him; rather, its mention comes for the judges to be stringent concerning him and to render his halakhic status like that of these two witnesses who testified with him. **And just as** with regard to **two** witnesses, if one of them was found to be a relative or otherwise disqualified their entire testimony is voided, the same is true for a set consisting of numerous witnesses. **Rav Pappa said to Abaye: But if that is so**, that a relative or other disqualified witness who witnesses an incident voids the entire testimony, the **murdered** victim **should spare** the accused from execution because the victim himself witnessed his own murder, and he is considered a disqualified witness because of his personal stake in the verdict. *Therefore, the entire testimony should be*



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voided. Abaye said to Rav Pappa: A murderer is executed only **when he killed the victim from behind him** and the victim did not witness his murder.

- נִרְבַּע יֵצֵל! כְּשֶׁרָבַע מֵאַחֲרָיו. 6

Rav Pappa said to Abaye: It is not uncommon for a murder to take place without the knowledge of the victim. But in a case where one is sentenced to death for sodomizing a male, why is he executed? **The one who was sodomized should spare** the accused from execution. Here too, since the victim witnessed the sodomy, and he is disqualified from bearing witness due to his personal stake in the verdict, the entire testimony should be voided. The Gemara answers: The sodomizer, too, is executed only **when he sodomized the victim from behind him**, and the victim did not witness the act of sodomy.

- הֹרַג וְרֹבַע יֵצֵל! אִישְׁתִּיק. כִּי אַתָּא לְקַמִּיָּה דְרַבָּא. אִמַר לִיה: "קוּם 7



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- הורג וְרוֹבֵעַ יִצִּילוּ! אִישׁוֹתִיק. כִּי אַתָּא לְקַמֵּיה דְרַבָּא, אָמַר לֵיהּ: "יָקוּם דָּבָר" – בְּמַקְיָמֵי דָּבָר הַכָּתוּב מִדָּבָר. 7

Rav Pappa said to Abaye: Although it is possible to construct a scenario where the victim did not witness the act, it is difficult to construct a scenario where the perpetrator did not witness the act. Therefore, the **murderer and the one who sodomizes should spare** themselves from execution and void the testimony because they witnessed the act, and they are disqualified from bearing witness on the grounds that a person is not capable of testifying about himself. Abaye **was silent** and was unable to respond. **When** Rav Pappa **came before Rava** with this question, Rava **said to him**: It is written: "According to two witnesses or three witnesses **shall a matter be established**" (**Deuteronomy 19:15**); it is **with regard to** those who **establish a matter** as legal fact in court that **the verse is speaking**. It is only witnesses who are relatives or



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where the victim did not witness the act, it is difficult to construct a scenario where the perpetrator did not witness the act. Therefore, the **murderer and the one who sodomizes should spare** themselves from execution and void the testimony because they witnessed the act, and they are disqualified from bearing witness on the grounds that a person is not capable of testifying about himself. Abaye **was silent** and was unable to respond. **When Rav Pappa came before Rava** with this question, Rava **said to him**: It is written: “According to two witnesses or three witnesses **shall a matter be established**” (Deuteronomy 19:15); it is **with regard to** those who **establish a matter** as legal fact in court that **the verse is speaking**. It is only witnesses who are relatives or otherwise disqualified who void the entire testimony, not subjects of the matter. Therefore, there is no basis for the questions of Rav Pappa.

- אָמַר רַבִּי יוֹסִי: בְּמָה דְּבָרִים אָמוּרִים. כּוּי מָה יַעֲשׂוּ שְׁנֵי אַחִים וְכוּי. 8